

State of Wisconsin



2003 Assembly Bill 423

Date of enactment:
Date of publication*:

2003 WISCONSIN ACT

AN ACT to amend 174.02 (1) (b), 174.02 (2) (a) and (b) and 174.02 (3) (a) (intro.) of the statutes; relating to: liability for damages caused by dogs, court orders to kill a dog, and providing a penalty.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 174.02 (1) (b) of the statutes is amended to read:

174.02 (1) (b) *After notice.* Subject to s. 895.045 and except as provided in s. 895.57 (4), the owner of a dog is liable for 2 times the full amount of damages caused by the dog ~~injuring or causing injury to biting~~ a person, ~~domestic animal or property with sufficient force to break the skin and cause permanent physical scarring or disfigurement~~ if the owner was notified or knew that the dog ~~had previously injured or caused injury to, without provocation, bitten~~ a person, ~~domestic animal or property with sufficient force to break the skin and cause permanent physical scarring or disfigurement.~~

SECTION 2. 174.02 (2) (a) and (b) of the statutes are amended to read:

174.02 (2) (a) *Without notice.* The owner of a dog shall forfeit not less than \$50 nor more than \$500 ~~\$2,500~~ if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.

(b) *After notice.* The owner of a dog shall forfeit not less than \$200 nor more than \$1,000 ~~\$5,000~~ if the dog injures or causes injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds, and if the owner was notified or knew that the dog previously injured or caused injury to a person, domestic animal, property, deer, game birds or the nests or eggs of game birds.

SECTION 3. 174.02 (3) (a) (intro.) of the statutes is amended to read:

174.02 (3) (a) (intro.) The state, ~~or any municipality, or any other person~~ may commence a civil action to obtain a judgment from a court ordering an officer to kill a dog. The court may grant the judgment if the court finds both of the following:

* Section 991.11, WISCONSIN STATUTES 2001-02 : Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

ASSEMBLY BILL 423 (LRB -2099)

An Act to amend 174.02 (1) (b), 174.02 (2) (a) and (b) and 174.02 (3) (a) (intro.) of the statutes; relating to: liability for damages caused by dogs, court orders to kill a dog, and providing a penalty. (FE)

2003

09-25.	A.	Introduced by Representatives Pettis, Hines, A. Williams, Ott and Owens.	
06-27.	A.	Read first time and referred to committee on Judiciary	293
07-08.	A.	Fiscal estimate received.	
08-19.	A.	Fiscal estimate received.	
08-21.	A.	Public hearing held.	
09-08.	A.	Assembly amendment 1 offered by Representatives Gundrum and Staskunas (LRB a0846)	349
09-11.	A.	Executive action taken.	
09-25.	A.	Report Assembly Amendment 1 adoption recommended by committee on Judiciary, Ayes 6, Noes 0	381
09-25.	A.	Report passage as amended recommended by committee on Judiciary, Ayes 5, Noes 1	381
09-25.	A.	Referred to committee on Rules	382
09-30.	A.	Placed on calendar 10-2-2003 by committee on Rules.	
10-02.	A.	Read a second time	415
10-02.	A.	Assembly amendment 1 to Assembly amendment 1 offered by Representative Hebl (LRB a1040)	415
10-02.	A.	Placed on the calendar following Assembly Bill 157	415
10-02.	A.	Assembly amendment 1 placed after Assembly amendment 2	415
10-02.	A.	Assembly amendment 2 offered by Representatives Gundrum, Hebl and Staskunas (LRB a1095)	415
10-02.	A.	Placed at the foot of the eleventh order of business on the calendar	415
10-02.	A.	Refused to adopt Assembly amendment 2	418
10-02.	A.	Laid on the table	418
10-23.	A.	Taken from the table	452
10-23.	A.	Assembly amendment 1 to Assembly amendment 1 laid on table, Ayes 58, Noes 39	452
10-23.	A.	Assembly amendment 1 laid on table	453
10-23.	A.	Ordered to a third reading	453
10-23.	A.	Rules suspended	453
10-23.	A.	Read a third time and passed , Ayes 61, Noes 36	453
10-23.	A.	Ordered immediately messaged	453
10-28.	S.	Received from Assembly	448
10-28.	S.	Read first time and referred to committee on Judiciary, Corrections and Privacy	449

2004

01-08.	S.	Executive action taken.	
01-12.	S.	Report concurrence recommended by committee on Judiciary, Corrections and Privacy, Ayes 3, Noes 2	536
01-12.	S.	Available for scheduling.	
02-26.	S.	Placed on calendar 3-2-2004 by committee on Senate Organization.	
03-02.	S.	Senator Zien added as a cosponsor.	
03-02.	S.	Read a second time.	
03-02.	S.	Senator Welch added as a cosponsor.	
03-02.	S.	Ordered to a third reading.	
03-02.	S.	Rules suspended.	
03-02.	S.	Read a third time and concurred in .	
03-02.	S.	Ordered immediately messaged.	
03-02.	A.	Received from Senate concurred in.	

**2003
ENROLLED BILL**

03en A B-423

ADOPTED DOCUMENTS:

☒ Orig ☐ Engr SubAmdt

03- 20991 2

Amendments to above (if none, write "NONE"):

Corrections - show date (if none, write "NONE"):

Topic

3/3/04

Date

Enrolling Drafter

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2003 ASSEMBLY BILL 423

June 27, 2003 - Introduced by Representatives PETTIS, HINES, A. WILLIAMS, OTT and OWENS. Referred to Committee on Judiciary.

- 1 **AN ACT to amend** 174.02 (1) (b), 174.02 (2) (a) and (b) and 174.02 (3) (a) (intro.)
2 of the statutes; **relating to:** liability for damages caused by dogs, court orders
3 to kill a dog, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, a person who owns or keeps a dog is generally liable for the amount of damages caused by the dog injuring a person, a domestic animal, or property. Under current law, a person who owns or keeps a dog is generally liable for two times the amount of damages caused by the dog injuring a person, a domestic animal, or property if the owner or keeper knew that the dog previously injured a person, a domestic animal, or property.

The bill changes the current provision under which a dog owner or keeper may be liable for two times the amount of damages caused by the dog so that it applies only when a dog bites a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement, and the owner or keeper knew that the dog had previously, without provocation, bitten a person with sufficient force to break the skin and cause permanent physical scarring or disfigurement.

Under current law, a person who owns or keeps a dog is subject to a forfeiture (a civil monetary penalty) of \$50 to \$500 if the dog causes injury to a person, domestic animal, property, deer, game birds, or the nests or eggs of game birds. This bill increases the maximum forfeiture to \$2,500. Under current law, if the owner or keeper knew that the dog had previously caused injury to a person, domestic animal, property, deer, game birds, or the nests or eggs of game birds, the forfeiture is \$200 to \$1,000. This bill increases the maximum forfeiture to \$5,000.

ASSEMBLY BILL 423

Under current law, this state or a municipality may ask a court to order that a dog be killed. The court may issue the order if the dog caused serious injury to a person or domestic animal on two separate occasions, off of the owner's or keeper's property, without reasonable cause, and the owner or keeper knew, before the second injury, that the dog caused the first injury.

Under this bill any person may ask a court to order that a dog be killed.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 174.02 (1) (b) of the statutes is amended to read:

2 174.02 (1) (b) *After notice.* Subject to s. 895.045 and except as provided in s.
3 895.57 (4), the owner of a dog is liable for 2 times the full amount of damages caused
4 by the dog ~~injuring or causing injury to~~ biting a person, ~~domestic animal or property~~
5 with sufficient force to break the skin and cause permanent physical scarring or
6 disfigurement if the owner was notified or knew that the dog had previously ~~injured~~
7 ~~or caused injury to, without provocation, bitten~~ a person, ~~domestic animal or~~
8 ~~property~~ with sufficient force to break the skin and cause permanent physical
9 scarring or disfigurement.

10 **SECTION 2.** 174.02 (2) (a) and (b) of the statutes are amended to read:

11 174.02 (2) (a) *Without notice.* The owner of a dog shall forfeit not less than \$50
12 nor more than \$500 \$2,500 if the dog injures or causes injury to a person, domestic
13 animal, property, deer, game birds or the nests or eggs of game birds.

14 (b) *After notice.* The owner of a dog shall forfeit not less than \$200 nor more
15 than \$1,000 \$5,000 if the dog injures or causes injury to a person, domestic animal,
16 property, deer, game birds or the nests or eggs of game birds, and if the owner was
17 notified or knew that the dog previously injured or caused injury to a person,
18 domestic animal, property, deer, game birds or the nests or eggs of game birds.

ASSEMBLY BILL 423

1 **SECTION 3.** 174.02 (3) (a) (intro.) of the statutes is amended to read:

2 174.02 (3) (a) (intro.) The state, ~~or any municipality, or any other person~~ may
3 commence a civil action to obtain a judgment from a court ordering an officer to kill
4 a dog. The court may grant the judgment if the court finds both of the following:

5 (END)